

BLUE RIBBON TASK FORCE ON THE MERIT SYSTEM
MEETING

September 21, 2005 – 1:00 P.M.

MINUTES

Members Present:

Secretary Erwin Roberts – Chairman
Secretary LaJuana Wilcher
Representative Michael Cherry
Juan G. Rodriguez
Karen Neeley
Fontaine Banks, Jr.
Jack Smith, Jr.
Senator R.J. Palmer, II
Tim Coleman
William Lear

Senator Dan Kelly
Todd Hollenbach, IV
Sarah Hall
Laura Babbage
Don Dampier
Joy Moore
John Y. Brown
Janey Moores
Representative Jeff Hoover

Members Absent:

Vickie Yates Brown

The sixth meeting of the Blue Ribbon Task Force on the Merit System was called to order by Chairman Erwin Roberts on September 21, 2005 in Room 129, Capitol Annex, and Frankfort, Kentucky.

Chairman Roberts then asked for the roll call. During Roll Call, the following members were noted as absent: Vickie Yates Brown and William Lear.

Chairman Roberts then opened the floor to Representative Cherry. Representative Cherry then commented on a recent media article in which he was interviewed regarding preconceived notions for the recommendations. Representative Cherry stated that use of the word “rigged” in the article title was unfortunate and he apologized for its usage. Representative Cherry further stated that he never used the word “rigged” in his discussions with the media.

Chairman Roberts then thanked Representative Cherry for his comments.

Chairman Roberts then asked for a motion to approve the minutes of the September 14, 2005 meeting of the Blue Ribbon Task Force on the Merit System. A motion to approve the minutes was made and seconded. All members voted in favor of the motion to approve the minutes of the September 14, 2005 Meeting of the Blue Ribbon Task Force.

Chairman Roberts then called upon the Classification and Compensation Subcommittee to deliver its recommendations. The Classification and Compensation Subcommittee, through its chair Senator Palmer, then discussed the following recommendations:

- Seek reduction in the number of classifications of between 40 and 60 percent
- Maintain the annual increment in conjunction with the establishment of a minimum midpoint and maximum pay grade for each salary
- Train Supervisors for employee evaluation
- Facilitate the implementation of a 40 hour work week

The full committee then openly discussed Classification and Compensation's recommendations.

Chairman Roberts then called upon the Employee Relations Subcommittee to deliver its recommendations. Chairman Roberts turned the chair over to Secretary Wilcher, while he participated as a member of the Employee Relations Subcommittee. The Employee Relations Subcommittee, through its chair Representative Cherry, then discussed the following recommendations:

- Make a progress of options available for merit employees to address work-related complaints or disciplinary actions
- Require the Personnel Board to report annually to have some legislative oversight to state government committees
- Allow agencies to place employees on paid leave during the interim between receipt of an intent to dismiss letter and the effective date of the dismissal
 - Brief full task force discussion on this recommendation
- Implement a drug testing program for executive branch employees to include pre-employment drug testing, and then reasonable suspicion for drug and alcohol testing, and random drug and alcohol testing after employment
- Amend the applicable statutes to enhance state employee paid military leave benefit to a maximum of 21 calendar days from the current 15, allowing any unused days in a fiscal year to be carried over to the following year
 - Brief full task force discussion on this recommendation
- Adopt one state leave request form that would cover all types of leave and use that form in every agency
- Recommend conducting a disparity study of executive branch employees to determine if there is a disparity between qualified workforce in Kentucky citizens and protected class and the executive branch employees and those protected classes.
- Update the state affirmative action plan consistent with federal requirements and industry best practices. The updated state affirmative action plan should provide tools to state agencies to assist them with reaching affirmative action goals established in the plan and should contain provisions for

accountability of agencies in the form of penalties to those agencies that do not make progress toward affirmative action goals and rewards for those agencies that make progress.

- Require mandatory training regarding diversity and the updated affirmative action plan to managers and other individuals making hiring decisions. Training should include emphasis on ways to reach affirmative action goals and establish accountability provisions.

-Brief full task force discussion on this recommendation

Chairman Roberts then assumed the chair of the full task force.

Chairman Roberts then called upon the Governance Subcommittee to deliver its recommendations. The Governance Subcommittee, through its chair Senator Kelly, then discussed the following recommendations:

- Adopt a formal process for reviewing KRS 18A and KRA 101, to make recommendations on a regular basis including all recommendations that have been made in the past but not adopted
- Extend the statute of limitation for any non-merit employee that would assume a merit position within one year of the end of that administration.
-Brief full task force discussion on this recommendation
- Decriminalize day-to-day activities such as maintaining records and attending meetings. Provide for civil penalties for other violations of the merit system.
-Brief full task force discussion on this recommendation
- Resolve the conflict between federal affirmative action laws and KRS
-Brief full task force discussion on this recommendation
- Clarify and distinguish the topic areas granting authority to the Personnel Cabinet and the Personnel Board so that regulations offer are consistent between the two agencies
- Develop a procedure to concur resolution of personnel issues at the agency level prior to going before the Personnel Board
- Review reporting requirements in 18A.030 for relevance and usefulness and provide meaningful oversight.
- Make final decisions of the Personnel Board available electronically and organized by the statutory basis for the appeal.

Chairman Roberts then called upon the Selection Subcommittee to deliver its recommendations. The Selection Subcommittee, through its chair Representative Hoover, then discussed the following recommendations:

- Maintain the civil service protections against political influences in the selection of qualified state classified employees, but redefine the mission statement so that the mission statement includes strong and clear directive and to include the prohibitions against political discrimination.

- Adopt the recommendations on pages 3 and 4 of the document “proposed future hiring processes” dated September, 2005 with the exception of the last bullet point under heading C, register. We further recommend that said last bullet point under heading C, register be modified to provide for career path opportunities for employees through families of job classes based on merit, experience, excellent performance, and evaluation.
-Brief full task force discussion on this recommendation
- Increase efforts for recruiting and hiring qualified veterans, minorities, women, and disabled.
- Personnel Cabinet to study the feasibility of establishing a comprehensive regulation for implementing procedures regarding background checks, including but not limited to NCIC checks and employment references for all executive branch applicants.

Chairman Roberts then shared his appreciation for all the work of the chairs and the subcommittees. Chairman Roberts then acknowledged the sacrifices which have been made by those task force members who work in the private sector. Chairman Roberts also thanked those task force members who are government employees.

Chairman Roberts then opened the floor for discussion. The following items were then discussed:

- The prohibition of Classified employees from running for office under KRS 18A.140.
- Making it more difficult for politics to influence hiring and promotion and firing decisions.
- Setting of next task force meeting
- Submit modifications, amendments, or new recommendations prior to next task force meeting
- Preparation of report
- Funding issues
- Next meeting – October 18, 2005 at 1:00 p.m.

There being no further discussion, Chairman Roberts moved to adjourn.